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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hall et al.

Serial No.: 09/932,802

Group Art Unit: 1773

Filed: August 17, 2001

Examiner: Paulraj, Christopher

For: METHOD OF PROVIDING A PHOSPHORESCENT COATING
SYSTEM THROUGH WET-ON-WET APPLICATION AND A
PHOSPHORESCENT COATING SYSTEM THEREOF

Attorney Docket No.: IN-5521

DECLARATION UNDER 37 C.F.R. §1.131 OF PRIOR INVENTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. This Declaration is to establish completion of the invention of the subject application prior to August 3, 2000, which is the effective date of United States Patent Application Publication US 2002/0019312 A1 to Ramsden.

2. The persons making this Declaration are the inventors.

3. To establish reduction to practice of the invention of the subject application prior to August 3, 2000, we attach the following documents and respectfully submit these documents as evidence:

-Exhibit A: a copy of page 2 from BASF Notebook No. 28164, entitled "Glow Clear" illustrating two compositions, a color-providing (i.e., basecoat) composition and an at least partially-transparent clearcoat composition; and

-Exhibit B: an additional copy of page 2 from BASF Notebook No. 28164, entitled "Glow Clear" having the label from the back of a 4 X 12" panel superimposed thereon. This panel was produced upon application of the color-providing composition and the at least partially-transparent clearcoat composition.

4. The copies of the document and the panel attached to this Declaration and cited in paragraph 3 above have been redacted to remove the actual dates, but they were generated prior to August 3, 2000.

5. The following information summarizes BASF's internal codification system for the constituents of the color-providing and clearcoat compositions:

- BC190 a color-providing composition
- DC92 a clearcoat composition
- PG5779 a phosphorescent pigment in the clearcoat composition
- BR50 a thinner for application of the clearcoat composition

6. The color-providing composition and the clearcoat composition were loaded by our technician, Steve Potoczek. Mr. Potoczek applied the color-providing composition to the panel and applied the clearcoat composition wet-on-wet to an uncured film layer of the color-providing composition. To accomplish this, Mr. Potoczek relied on air-atomized application equipment known in the art, and the target film builds for the color-providing composition were 0.6-0.8 mils and for the clearcoat composition were approximately 1.5 mils. Prior to application of the clearcoat composition, Mr. Potoczek mixed the clearcoat composition with DH42, which is an isocyanate-based hardener from BASF.

7. The data submitted herein clearly establishes that prior to August 3, 2000, we, the inventors, had reduced to practice, and therefore conceived of, a method of providing a phosphorescent coating system on a substrate, wherein a color-providing composition has been applied to a substrate to form an uncured film layer of the color-providing composition, and an at least partially-transparent clearcoat composition has been applied wet-on-wet to the uncured film layer of the color-providing composition to form an uncured film layer of the clearcoat composition on the uncured film layer of the color-providing composition, and wherein the clearcoat composition includes phosphorescent pigment such that exposure of the phosphorescent pigment to an external incident energy source is maximized.

8. The data submitted herein also clearly establishes that prior to August 3, 2000, we, the inventors, had reduced to practice, and therefore conceived of, a phosphorescent coating system including a substrate, a color-providing film layer formed from a color-providing composition applied to the substrate, and an at least partially-transparent clearcoat film layer formed from an at least partially-transparent clearcoat composition applied wet-on-wet to the color-providing composition as the color-providing composition is uncured, wherein at least one of the color-providing composition and the clearcoat composition is cross-linkable, and the clearcoat composition includes phosphorescent pigment.

9. From the attached data and the explanations in the paragraphs above, it can be seen that the invention of the subject application was reduced to practice, and therefore conceived, prior to August 3, 2000.

10. This Declaration is being submitted prior to a final rejection for the above-referenced application.

11. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First named inventor

Jon R. Hall



Inventor's Signature

9/8/03

Date of Execution

Second named inventor

Michael Jakobi

Michael Jakobi
Inventor's Signature

9/5/03
Date of Execution

CERTIFICATE OF MAILING

I hereby certify that the attached Declaration Under 37 C.F.R. §1.131 Of Prior Invention is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 16, 2003.

Brenda J. Hughes
Brenda J. Hughes

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